

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. No new matter has been added as a result of these amendments as they are supported, *intra alia*, on page 24, lines 2-18 of the application as originally filed.

Objections

Objections to the Drawings under 37 C.F.R. § 1.83(a)

The Examiner objected to the drawings, stating that the drawings do not show determining an operation based at least partially on a file space. Applicant respectfully directs the Examiner's attention to block 212(c) of amended Figure 2 submitted to the Office on November 1, 2005. The block 212(c) is described as determining what file spaces to scan on page 20, lines 1-9, and refers to configuration information 137, which is described as indicating file spaces to scan on page 15, lines 16-21. Therefore, Applicant respectfully submits that Figure 2 does illustrate the claimed element.

Accordingly, Applicant respectfully requests the withdrawal of the objection to the drawings under 37 C.F.R. § 1.83(a).

Objections to the Claims

The Examiner objected to claim 82 as containing informalities. Applicant has corrected the informalities and respectfully requests the withdrawal of the objection. Applicant further respectfully submits that no new issues are raised by the corrections as they merely correct a typographic error.

Rejections

Rejections under 35 U.S.C. § 103

Claims 76, 79, 80 and 82-84

Claims 76, 79, 80 and 82-84 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,802,012 to Smithson et al. in view of U.S. Patent 6,931,540 to Edwards et al. Both references qualify as prior art only under 35 U.S.C. § 102(e) because each issued after Applicant's effective filing date. Applicant does not admit that Smithson or Edwards is prior art and reserves the right to challenge either reference at a later date.

Smithson discloses allocating priority for virus scanning based on the user that requested the file that is to be scanned.

Edwards discloses determining the type of virus detection to use based on the process that is accessing a file.

Without admitting to the validity of the rejection, Applicant has amended independent claims 76 and 82 to recite assigning a specific access type to a processing device when a storage server verifies the processing device satisfies restriction criteria. Neither Smithson nor Edwards teach or suggests this element.

Moreover, Applicant can find no reference in Edwards to a "timeout" as claimed in claim 79. In particular, the section of Edwards cited by the Examiner merely describes the use of scanning categories, but does not even suggest that a timeout is associated with any of the categories.

Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 76, 79, 80 and 82-84, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination of Smithson and Edwards.

Claim 77

Claim 77 stands rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Smithson and Edwards in view of U.S. Patent 6,088,803 to Tso et al. (previously cited).

Because claim 77 depends from claim 76, Tso must disclose the elements in claim 76 that are missing from the combination of Smithson and Edwards to have a proper *prima facie* case of obviousness. However, Tso contains no disclosure directed toward assigning a specific access type to the processing device when the storage server verifies the processing device satisfies restriction criteria. Therefore, the combination of Smithson, Edwards and Tso cannot be properly interpreted as teaching or suggesting Applicant's invention as claimed in claim 77.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 77 under 35 U.S.C. § 103(a) over the combination of Smithson, Edwards and Tso.

Claims 78, 81 and 85

Claims 78, 81 and 85 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Smithson and Edwards in view of U.S. Patent 6,088,803 to Poublan et al. (previously cited).

Because claims 78, 81 and 85 depend from one of claim 76 or 82, Poublan must disclose the elements in claims 76 and 82 that are missing from the combination of Smithson and Edwards to have a proper *prima facie* case of obviousness. However, Poublan contains no disclosure directed toward assigning a specific access type to the processing device when the storage server verifies the processing device satisfies restriction criteria. Therefore, the combination of Smithson, Edwards and Poublan cannot be properly interpreted as teaching or suggesting Applicant's invention as claimed in claims 78, 81 and 85.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 78, 81 and 85 under 35 U.S.C. § 103(a) over the combination of Smithson, Edwards and Poublan.

Claims 86-89

Claims 86-89 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Smithson and Poublan.

Independent claims 86 and 88 have been amended to recite that a specific access type is assigned to a processing device when the storage server verifies the processing device satisfies restriction criteria. As set forth above, neither Smithson nor Poublan

teach or suggest this claimed element. Therefore, the combination cannot be properly interpreted as doing so.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 86-89 under 35 U.S.C. § 103(a) over the combination of Smithson and Poublan.

New Claims

Applicant has added new claim 90 to claim the storage server as a processor that executes instructions to perform the operations claimed in claims 76-89. Thus, claim 90 is allowable for at least the reasons set forth above for the claims 76-89.

SUMMARY

Claims 76-90 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: April 10, 2008

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